REMARKS

By the present amendment, Applicant has amended Claim 1, canceled Claim3, and added Claims 12 and 13. Claims 1, 2, and 4-13 remain pending in the present application. Claim 1 is the sole independent claim.

Applicant appreciates the courtesies extended to Applicant's representative during the personal interview held March 16, 2004. The present response summarizes the substance of the interview. At the interview a proposed amendment to the claims was presented. Proposed amended Claim 1 set forth an in-wall dryer vent for venting to another floor having an upper portion and a lower portion. The upper portion includes a planar front wall, at least two side walls, an a rear wall. The front wall has a circular opening therein. The rear wall has an arcuate top end, and a bottom end, wherein the arcuate top end defines a curved surface extending from the front wall toward the bottom end of the rear wall, and extending between the side walls. The front wall, rear wall and side walls define a rectangular conduit having a rectangular open bottom thereof, and a closed curved top. An annular flange projects from the circular opening defined in the front wall of the upper portion, the annular flange attaches to a clothes dryer outlet. At least one L-shaped mounting flange attached to, and extending outwardly from said front wall. Each of the at least one L-shaped flange having a first portion having a first end and a second end. The first end perpendicularly attached to the front wall. The second end perpendicularly attached to a second portion. The second portion extending parallel to the front wall, each second portion of each at least one

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L-shaped mounting flange has an aperture therein, and is design and configured to be coupled to a drywall surface. The lower portion has a rectangular inlet joined to the rectangular open bottom of the upper portion. The lower portion also has a rectangular outlet end, the outlet end having a greater perimeter than the inlet. An outlet tube extending from the outlet end of the lower portion. The upper portion has a width and depth dimension and configured for disposing the upper portion between adjacent studs of a wall, the lower portion being adapted for expanding cross-sectional area of the tubular body on a side of a floor partition opposite the upper portion.

Arguments were advanced that the applied prior art references did not obviously meet the proposed amended Claim 1. Specifically, it was pointed out that the L-shaped mounting flanges disposed on the front face, having an aperture in the portion parallel to the front face, was not found in the cited prior art to Adams, Jr., Harding, and Fournier et al. It was further discussed that the Fournier et al. reference, relied upon to teach an L-shaped flange was non-analogous art, and further to provide an L-shaped flange as taught in the Fournier et al. reference would not have been obvious because the flange of Fournier et al. is a sliding cylindrical member for facilitating the filling of medicament into a syringe. The use of the L-shaped flange, as originally claimed in Claim 3, now incorporated into proposed amended Claim 1, would destroy any function of the alleged combination of references. The Examiner indicated, based upon the discussion of the references, that the proposed amendment appears to overcome the outstanding prior art rejection. However, the Examiner withheld a determination of allowability until the filing of a proper amendment.

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In the recent Office Action the Examiner rejected Claims 1, and 4-9 under 35 U.S.C. 103(a) as being unpatentable over Adams, Jr. in view of Harding. In addition, the Examiner rejected Claims 2, 3, 10, and 11 under 35 U.S.C. 103(a) as being unpatentable over Adams, Jr. in view of Harding , and further in view of one or more of Fournier et al., Johnson, and Gomulinski. These rejections are respectfully traversed.

The applied prior art reference to Adams, Jr. discloses a clothes vent attachment having a rectangular opening for attachment to a dryer outlet. In order to provide an adequate volumetric capacity within a limited spacial environment, Adams, Jr. utilizes an elongate, substantially flat, hollow housing having a width several times greater than the thickness or depth thereof. Albeit, Adams, Jr. discloses a rectangular opening, other configurations may be applicable. Adams, Jr. does not provide any plausible arrangement to convert the rectangular opening, design for specific dryer applications, to a circular opening and flange, as claimed, for conventional dryer exhaust applications.

The secondary reference to Harding discloses a recessed vent for a dryer exhaust having a myriad of configurations for providing volumetric flow path of the dryer exhaust from a position internally of a building structure to the exterior thereof. The Examiner relies upon this reference to show the circular opening in a front wall of the ventilating structure, as seen in Figs. 21-24. Albeit, Harding teaches a circular opening having a flange extending from the perimeter thereof, Harding does not disclose a mounting flange disposed on the front face, as now claimed.

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The Examiner cites the Fournier et al. reference to show an L-shaped flange (see 82 of Fig. 1) which is a cylindrical member designed and configured to slide along a cylindrical wall. This reference is non-analogous, and as such should not be applied. However, aside from Applicant's own disclosure, there is no teaching found in the Fournier et al. reference, that would have lead one having ordinary skill in the art to provide an L-shaped flange extending from the front wall of a dryer vent structure.

The additional references, applied by the Examiner, to Johnson and Gomulinski, are drawn to a flanged pipe fitting, and a low profile dryer exhaust duct, respectively. The Johnson patent reference merely identifies a conventional flange on a pipe for providing an appropriate mounting surface for supporting the pipe upon installation. The Gomulinski patent is directed to a prefabricated duct form having a compact profile for disposition between a dryer outlet and building structure exhaust vent inlet. The device described in the Gomulinski patent is for connection to a device as presently claimed, rather than supplanting it.

Applicant has amended independent Claim 1 to properly define the instant invention as an in-wall dryer vent for venting to another floor having an upper portion and a lower portion. The upper portion includes a planar front wall, at least two side walls, an a rear wall. The front wall has a circular opening therein. The rear wall has an arcuate top end, and a bottom end, wherein the arcuate top end defines a curved surface extending from the front wall toward the bottom end of the rear wall, and extending between the side walls. The front wall, rear wall and side walls define a rectangular conduit having a rectangular open bottom thereof, and a closed curved top. An annular flange projects from the circular opening defined in the front wall of the upper portion, the annular flange attaches to a clothes dryer outlet. At least one

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L-shaped mounting flange attached to, and extending outward from said front wall. Each of the at least one L-shaped flange having a first portion having a first end and a second end. The first end perpendicularly attached to the front wall. The second end perpendicularly attached to a second portion. The second portion extending parallel to the front wall, each second portion of each at least one L-shaped mounting flange has an aperture therein, and is design and configured to be coupled to a drywall surface. The lower portion has a rectangular inlet joined to the rectangular open bottom of the upper portion. The lower portion also has a rectangular outlet end, the outlet end having a greater perimeter than the inlet. An outlet tube extending from the outlet end of the lower portion. The upper portion has a width and depth dimension and configured for disposing the upper portion between adjacent studs of a wall, the lower portion being adapted for expanding cross-sectional area of the tubular body on a side of a floor partition opposite the upper portion.

The alleged combination of references, namely Adams, Jr. in view of Harding, fails to provide at least one L-shaped mounting flange having an aperture therein, as recited in amended Claim 1. Further, the reliance on the Fournier et al. reference does not add to the alleged combination because one having ordinary skill would not have sought the teachings of Fournier et al. because it is of non-analogous art, and to utilize the "L-shaped flange" of Fournier et al. would ultimately destroy both the device disclosed in Fournier et al., and any contrived combination with Adams, Jr., Harding or both. Thus, based upon the teachings of the cited applied patents, one having ordinary skill in the art would have not found it obvious to arrive at the unique construction of Applicant's invention as claimed. Applicant respectfully submits that

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the alleged combination of the references to Adams, Jr., Harding, and Fournier et al. does not obviously satisfy all metes and bounds of independent Claim 1. Specifically, the at least one L-shaped mounting flange having an aperture in the portion parallel to the front wall is not found in the applied prior references.

In addition, with respect to Claims 2, and 4-13, as dependent upon amended Claim 1, are likewise allowable. With respect to the additionally applied references to Gomulinski and Johnson, there is no guidance or motivation found in either of these additional applied references that contributes to the alleged combination in order to lead one having ordinary skill in the art to arrive at Applicant's claimed invention. Applicant respectfully requests that these grounds of rejection be withdrawn, that the instant claims be allowed, and a Notice to that effect be issued.

Applicant has revised the claims in the present application to more particularly define Applicant's unique construction in view of the prior art of record. Applicant respectfully submits that for at least the foregoing reasons, amended independent Claim 1, and the claims dependent therefrom are allowable over the prior art applied of record. Reconsideration of the claims in light of the above amendments and arguments is respectfully requested.

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For the foregoing reasons, Applicant respectfully submits that the present application is in condition for allowance. If such is not the case, the Examiner is requested to kindly contact the undersigned in an effort to satisfactorily conclude the prosecution of this application.

Respectfully submitted,

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Attachments

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